

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 80222

Lisa A. Huhn
Thurman Huhn
62 Wagner Avenue
Baltimore MD 21221

8 Tottenham Court

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 21, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115, 310, 312, 13-4-201 (d), failure to store all garbage in containers with tight fitting lids, failure to cease open dump conditions on residential property known as 8 Tottenham Court, 21234.

On June 29, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The following persons appeared for the Hearing and testified: Lisa A. and Thurman Huhn, Owners, Lauren Mills, daughter and tenant and, Kim Wood, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205.

B. Inspector Kimberly Wood testified that there have been repeated violations at this property with open dump conditions, and garbage not being stored in cans with lids. A Final Order was issued on October 19, 2009 imposing a \$500 civil penalty that was rescinded after re-inspections found the property in compliance. The County keeps receiving complaints from neighbors. Inspection on May 19 found junk, trash and debris, and window screens lying in the yard, but re-inspection on May 27 found the property cleaned up so the case was closed. A week later, another complaint was received, and inspection found food left out in the backyard and junk, trash and debris throughout the yard and deck. Re-inspection prior to this Hearing found junk still piled on the rear deck.

C. Lauren Mills, daughter of the owner, is the tenant in the property. She testified that she had lids for her trash cans but they were thrown away by the trash collectors. She is cleaning up junk and throwing away toys. She testified that she will clean up the remaining junk and properly store garbage. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspections find the violations corrected. However, because this property has a recent history of repeated violations, compliance over an extended period of time will be required to obtain the penalty reduction.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspections between the date of this Final Order and October 15, 2010, find the violations have been corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property, or may be collected in the same manner as any civil money judgment or debt may be collected.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 30th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.